

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4323 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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NUTAN BALVIDALAYA

Versus

REGIONAL GUJARAT

PROVIDENT FUND COMMISSIONER

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Appearance:

MR RV DESAI for Petitioners

MR JD AJMERA for Respondent

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 23/10/97

ORAL JUDGEMENT

Heard the learned counsel for the parties. The petitioner has challenged the order at Annexure F dated 16.1.1995 passed by the respondent under Section 7A of the Employees' Provident Fund & Miscellaneous Provisions Act, 1952 ('the Act' for short). Now Appellate Tribunal has been constituted by the Central Government and

alternative remedy by way of an appeal is available to the petitioner and as such the petition is not maintainable.

In the result, this special civil application is dismissed on the ground of availability of alternative remedy of appeal under Section 7-I of the Act. In case the petitioners prefer appeal against the impugned order before the Tribunal within one month from today, the same shall not be dismissed only on the ground of limitation and it is expected of the Tribunal that the same is heard and decided on merits. The interim relief in whatever terms granted by this Court shall continue for six weeks from today and thereafter the Tribunal shall consider the question of extension or continuation of the interim relief in accordance with law. While doing so the Tribunal shall not be influenced by the fact that interim relief in favour of the petitioners is granted by this Court.

Rule is discharged subject to the aforesaid directions with no order as to costs.